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SENATE BILL 196

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

John Pinto

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO GOVERNMENTAL AFFAIRS; ENACTING THE STATE-TRIBAL  
COLLABORATION ACT; REQUIRING STATE-TRIBAL COLLABORATION AND  
COMMUNICATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the  
"State-Tribal Collaboration Act".

Section 2. DEFINITIONS.--As used in the State-Tribal  
Collaboration Act:

A. "American Indian or Alaska Native" means:

- (1) individuals who are members of any  
federally recognized Indian tribe, nation or pueblo;
- (2) individuals who would meet the definition  
of "Indian" pursuant to 18 USC 1153; or
- (3) individuals who have been deemed eligible

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1 for services and programs provided to American Indians and  
2 Alaska Natives by the United States public health service, the  
3 bureau of Indian affairs or other federal programs;

4 B. "Indian nation, tribe or pueblo" means any  
5 federally recognized Indian nation, tribe or pueblo located  
6 wholly or partially in New Mexico; and

7 C. "state agency" means an agency, department or  
8 office of the state of New Mexico that is cabinet-level.

9 Section 3. COLLABORATION WITH INDIAN NATIONS, TRIBES OR  
10 PUEBLOS.--

11 A. By December 31, 2009, every state agency shall  
12 develop and implement a policy that:

13 (1) promotes effective communication and  
14 collaboration between the state agency and Indian nations,  
15 tribes or pueblos;

16 (2) promotes positive government-to-government  
17 relations between the state and Indian nations, tribes or  
18 pueblos;

19 (3) promotes cultural competency in providing  
20 effective services to American Indians or Alaska Natives; and

21 (4) establishes a method for notifying  
22 employees of the state agency of the provisions of the  
23 State-Tribal Collaboration Act and the policy that the state  
24 agency adopts pursuant to this section.

25 B. In the process of developing the policy set

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1     forth in Subsection A of this section, state agencies shall  
2     consult with representatives designated by the Indian nations,  
3     tribes or pueblos.

4             C. A state agency shall make a reasonable effort to  
5     collaborate with Indian nations, tribes or pueblos in the  
6     development and implementation of policies, agreements and  
7     programs of the state agency that directly affect American  
8     Indians or Alaska Natives.

9             D. The Indian affairs department shall maintain for  
10    public reference an updated list of the names and contact  
11    information for the chief executives of the Indian nations,  
12    tribes or pueblos and for the state agency tribal liaisons.

13            E. Every state agency shall dedicate a full-time-  
14    equivalent position as a tribal liaison, who reports directly  
15    to the office of the head of the state agency, to:

16                   (1) assist the head of the state agency with  
17    developing and ensuring the implementation of the policy as set  
18    forth in Subsection A of this section;

19                   (2) serve as a contact person who shall  
20    maintain ongoing communication between the state agency and  
21    affected Indian nations, tribes or pueblos; and

22                   (3) ensure that training is provided to the  
23    staff of the state agency as set forth in Subsection B of  
24    Section 4 of the State-Tribal Collaboration Act. Nothing in  
25    this subsection shall preclude tribal liaisons from providing

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1 or facilitating additional training.

2 Section 4. ANNUAL SUMMIT--TRAINING OF STATE EMPLOYEES--  
3 ANNUAL REPORTS.--

4 A. At least once a year, during the third quarter  
5 of the state's fiscal year, the governor shall meet with the  
6 leaders of Indian nations, tribes and pueblos in a state-tribal  
7 summit to address issues of mutual concern.

8 B. All state agency managers and employees who have  
9 ongoing communication with Indian nations, tribes or pueblos  
10 shall complete a training provided by the state personnel  
11 office with assistance from the Indian affairs department,  
12 which training supports:

13 (1) the promotion of effective communication  
14 and collaboration between state agencies and Indian nations,  
15 tribes or pueblos;

16 (2) the development of positive state-tribal  
17 government-to-government relations; and

18 (3) cultural competency in providing effective  
19 services to American Indians or Alaska Natives.

20 C. No later than July 31 of every year, a state  
21 agency shall submit a report to the Indian affairs department  
22 on the activities of the state agency pursuant to the State-  
23 Tribal Collaboration Act, and the Indian affairs department  
24 shall compile all such reports for submittal to the governor  
25 and to the legislature. The report shall include:

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1 (1) the policy the state agency adopted  
2 pursuant to the State-Tribal Collaboration Act;

3 (2) the names of and contact information for  
4 the individuals in the state agency who are responsible for  
5 developing and implementing programs of the state agency that  
6 directly affect American Indians or Alaska Natives;

7 (3) the current and planned efforts of the  
8 state agency to implement the policy set forth in Subsection A  
9 of Section 3 of the State-Tribal Collaboration Act;

10 (4) a certification by the state personnel  
11 office of the number of managers and employees of each state  
12 agency who have completed the training required by Subsection B  
13 of this section;

14 (5) a description of current and planned  
15 programs and services provided to or directly affecting  
16 American Indians or Alaska Natives and the amount of funding  
17 for each program; and

18 (6) the method the state agency established  
19 for notifying employees of the state agency of the provisions  
20 of the State-Tribal Collaboration Act.

21 Section 5. RIGHT OF ACTION.--Nothing in the State-Tribal  
22 Collaboration Act creates a right of action against a state  
23 agency or a right of review of an action of a state agency.

24 Section 6. SEVERABILITY.--If any part or application of  
25 this act is held invalid, the remainder or its application to

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1 other situations or persons shall not be affected.

2 Section 7. EMERGENCY.--It is necessary for the public  
3 peace, health and safety that this act take effect immediately.

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